

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TECHNOLOGY PROPERTIES LIMITED LLC and MCM PORTFOLIO LLC,)	Case Number: C 14-03640-CW
Plaintiffs,)	DECLARATION OF MICHAEL P. KELLA IN SUPPORT OF PLAINTIFFS’ MOTION FOR LEAVE TO AMEND THEIR INFRINGEMENT CONTENTIONS PURSUANT TO P.R. 3-6
vs.)	
CANON, INC., et al.,)	
Defendants.)	

TECHNOLOGY PROPERTIES LIMITED LLC and MCM PORTFOLIO LLC,)	Case Number: C 14-03643-CW
Plaintiffs,)	DECLARATION IN SUPPORT OF PLAINTIFFS’ AMENDED PATENT DISCLOSURES PURSUANT TO P.R. 3-1 AND 3-2
vs.)	
HEWLETT-PACKARD COMPANY,)	
Defendant.)	

TECHNOLOGY PROPERTIES LIMITED LLC and MCM PORTFOLIO LLC,)	Case Number: C 14-03645-CW
Plaintiffs,)	DECLARATION IN SUPPORT OF PLAINTIFFS’ AMENDED PATENT DISCLOSURES PURSUANT TO P.R. 3-1 AND 3-2
vs.)	
NEWEGG INC., et al.,)	
Defendants.)	

TECHNOLOGY PROPERTIES LIMITED LLC and MCM PORTFOLIO LLC,)	Case Number: C 14-03646-CW
Plaintiffs,)	DECLARATION IN SUPPORT OF PLAINTIFFS’ AMENDED PATENT DISCLOSURES PURSUANT TO P.R. 3-1
vs.)	

SEIKO EPSON CORPORATION, et al.,) **AND 3-2**
)
 Defendants.)

I, Michael P. Kella, declare as follows:

1. On Friday, September 18, 2015, the Court issued its claim construction order (“the Order”) in the above-referenced matters.

2. Plaintiffs’ counsel began reviewing and analyzing the Order immediately upon issuance.

3. That same day, Plaintiffs’ counsel provided the Order to Plaintiffs’ expert, Mr. Dale Buscaino, and requested his review and analysis.

4. On Monday, September 21, Plaintiffs’ counsel began discussing the Order and the Court’s claim construction with Plaintiffs’ expert. Plaintiffs’ counsel and Plaintiffs’ expert also began discussing Plaintiffs’ current contentions so that Plaintiffs could identify where it may be appropriate to expound upon Plaintiffs’ current contentions in light of the Order.

5. After Plaintiffs’ counsel and Plaintiffs’ expert determined that there were claim elements for which it would be appropriate to expound upon Plaintiffs’ current contentions in light of the Order, Plaintiffs’ counsel immediately began working to complete the proposed amended infringement contentions.

6. On Wednesday, October 14, 2015—the same day that Plaintiffs completed the proposed amended infringement contentions—Plaintiffs served Defendants with the proposed amended contentions.

1 11. Defendants have never disputed that Plaintiffs have been diligent in seeking
2 amendment.

3 12. On Friday, October 23, 2015, having not heard back from Defendants, Plaintiffs
4 requested a meet and confer so that Plaintiffs could hear and understand Defendants' position
5 that Plaintiffs do not have good cause in order to focus the issues for the Court in Plaintiffs'
6 motion for leave. Defendants informed Plaintiffs that they were not available until next week.
7 Because Plaintiffs did not want to delay in filing a motion for leave to amend, Plaintiffs
8 proceeded to file their motion for leave to amend.
9

10 13. Attached to Plaintiffs' Administrative Motion to File Under Seal, (*e.g.*, Case No.
11 4:14-cv-03640-CW, Doc. 343), as Exhibits A, A-1 through 6, and A-11 through 18 are true and
12 correct copies of Plaintiffs' proposed amendments in redline. Exhibit A is the amended P.R. 3-1
13 and 3-2 cover pleading in redline form. Exhibits A-1 through 6 and A-11 through 18 are the
14 amended contention chart exhibits attached thereto in redline form.
15

16 14. Attached to Plaintiffs' Administrative Motion to File Under Seal, (*e.g.*, Case No.
17 4:14-cv-03640-CW, Doc. 343), as Exhibits B, and B-1 through 6, and B-11 through 18 are true
18 and correct copies of Plaintiffs' proposed amendments in clean form. Exhibit B is the amended
19 P.R. 3-1 and 3-2 cover pleading in redline form. Exhibits B-1 through 6 and B-11 through 18 are
20 the amended contention chart exhibits attached thereto in redline form.
21

22 15. All of the amendments are based solely on the Court's claim construction order
23 and were precipitated by the Order adopting a construction that was different from Plaintiffs'
24 proposed construction and 1) by the Order adopting a construction that was different from any
25

1 party's proposed construction, 2) by the Order expounding upon or further defining a
2 construction in a manner different from any party's proposed construction, or 3) by the need to
3 address unresolved disputes that arose during briefing and at the claim construction hearing
4 which the Order did not resolve.

5 I declare under penalty of perjury declare that the foregoing is true and correct and that
6 this Declaration was executed this 23rd day of October 2015 in St. Louis, Missouri.
7

8
9 Date: October 23, 2015

/s/ Michael P. Kella

Michael P. Kella